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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,720	05/30/2000	Dimitri Kanevsky	YOR9-2000-0132US1	1218

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FERENCE & ASSOCIATES
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EXAMINER

SONG, HOSUK

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 03/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,720

Applicant(s)

KANEVSKY, DIMITRI

Examiner

Hosuk Song

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/5/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-4,7,10-14,17,20-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Bowers et al.(US 6,025,780).

Claim 1: Bowers' patent discloses an identifier which ascertains the location and identity of an entry intelligent attempting to gain access to the location in (col.4,lines 59-66;col.6,lines 29-34;col.15,lines 56-63). Bowers disclose the identity being ascertained via an identification tag associated with the intelligent agent in (col.2,lines 45-53). Bowers disclose a general register of identification tags corresponding to a plurality of intelligent agents and of possible locations at which the registered intelligent agents may gain access in (col.6,lines 29-41;col.15,lines 55-58;col.16,lines 1-6 and fig.4). Bowers patent disclose a threshold manager which permit access, to a given location, of an entry intelligent agent that corresponds to at least one intelligent agent in general register in (col.15,lines 55-67 and col.16,lines 1-6).

Claim 2: Bowers patent disclose threshold manager is adapted to deny access to an entry intelligent agent that does not correspond to at least one intelligent agent in general register in (col.15,lines 63-67;col.16,lines 1-6).

Claim 3: Bowers disclose general register comprise a database in (fig.4 and

col.15,lines 54-66).

Claim 4: Bowers disclose identification tags comprise identification numbers in (fig.4 and col.6,lines 40-41).

Claim 7: Bowers disclose threshold manager is adapted to compare the ascertained location of an entry intelligent agent with at least one location in general register that correspond to the entry intelligent agent and permit access of the entry intelligent agent to the ascertained location if the ascertained coincides with one of at least one location in general register in (col.15,lines 55-67).

Claim 10: Bowers disclose identifier includes a position locator system in (col.1,lines 37-45;col.2,lines 45-49).

Claim 11: Bowers' patent discloses an identifier which ascertains the location and identity of an entry intelligent attempting to gain access to the location in (col.4,lines 59-66;col.6,lines 29-34;col.15,lines 56-63). Bowers disclose the identity being ascertained via an identification tag associated with the intelligent agent in (col.2,lines 45-53). Bowers disclose a general register of identification tags corresponding to a plurality of intelligent agents and of possible locations at which the registered intelligent agents may gain access in (col.6,lines 29-41;col.15,lines 55-58;col.16,lines 1-6 and fig.4). Bowers patent disclose a threshold manager which permit access, to a given location, of an entry intelligent agent that corresponds to at least one intelligent agent in general register in (col.15,lines 55-67 and col.16,lines 1-6).

Claim 12: Bowers patent disclose threshold manager is adapted to deny access to an entry intelligent agent that does not correspond to at least one intelligent agent in general register in (col.15,lines 63-67;col.16,lines 1-6).

Claim 13: Bowers disclose general register comprise a database in (fig.4 and col.15,lines 54-66).

Claim 14: Bowers disclose identification tags comprise identification numbers in (fig.4 and col.6,lines 40-41).

Claim 17: Bowers disclose threshold manager is adapted to compare the ascertained location of an entry intelligent agent with at least one location in general register that correspond to the entry intelligent agent and permit access of the entry intelligent agent to the ascertained location if the ascertained coincides with one of at least one location in general register in (col.15,lines 55-67).

Claim 20: Bowers disclose identifier includes a position locator system to ascertain the location of an entry intelligent agent in (col.1,lines 37-45;col.2,lines 45-49).

Claim 21: Bowers disclose a program storage device and program instructions executable by machine to perform authenticating an intelligent agent in (fig.1-3 and col.2,lines 40-53). Bowers' patent disclose an identifier which ascertains the location and identity of an entry intelligent attempting to gain access to the location in (col.4,lines 59-66;col.6,lines 29-34;col.15,lines 56-63). Bowers disclose the identity being ascertained via an identification tag associated with the intelligent agent in (col.2,lines 45-53). Bowers disclose a general register of identification tags corresponding to a plurality of intelligent agents and of possible locations at which the registered intelligent agents may gain access in (col.6,lines 29-41;col.15,lines 55-58;col.16,lines 1-6 and fig.4). Bowers patent disclose a threshold manager which permit access, to a given location, of an entry intelligent agent that corresponds to at least one intelligent agent in general register in (col.15,lines 55-67 and col.16,lines 1-6).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 5-6,8,15-16,18 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al.(US 6,025,780) in view of Scheidt et al(US 6,490,680).

Claims 5,8: Bowers does not specifically disclose threshold manager is adapted to deny access of the entry intelligent agent to the given location if a time- based criterion is not satisfied. Scheidt's patent discloses digital signature is used for authorized access in (col.12,lines 23-27;col.13,lines 22-37). Digital signature includes timestamps such that when user tries to gain an access to certain location, recipient checks the time-stamp against its database. Data and time of the signature are attached to the message and signed along with the rest of the data. It would have been obvious to person of ordinary skill in the art at the time invention was made to include time-based criterion as taught in Scheidt with RFID tag system disclosed in Bowers in order to prevent message replay. Time based criterion provides timeliness and uniqueness guarantees to detect replay of the data. It is also used to implement time-limited access privileges, and to detect forced delays.

Claim 6: Bowers does not specifically disclose local authentication of an entry intelligent agent prompted by threshold manager includes requesting a digital signature. Scheidt's patent discloses RFID where digital signature is used for authentication in (col.12,lines 23-27;col.13,lines 22-37). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ digital signature scheme as taught in Scheidt with RFID tag disclosed in Bowers in order to convince the recipient that the signer deliberately signed the data thus delivering authentic signature. Digital signature provides effective means to ensure data has not been altered by unauthorized or unknown means. Further, digital signature provides user non-repudiation.

Claims 15,18: Bowers does not specifically disclose threshold manager is adapted to deny access of the entry intelligent agent to the given location if a time- based criterion is not satisfied. Scheidt's patent discloses digital signature is used for authorized access in (col.12,lines 23-27;col.13,lines 22-37). Digital signature includes timestamps such that when user tries to gain an access to certain location, recipient checks the time-stamp against its database. Data and time of the signature are attached to the message and signed along with the rest of the data. It would have been obvious to person of ordinary skill in the art at the time invention was made to include time-based criterion as taught in Scheidt with RFID tag system disclosed in Bowers in order to prevent message replay. Time based criterion provides timeliness and uniqueness guarantees to detect replay of the data. It is also used to implement time-limited access privileges, and to detect forced delays.

Claim 16: Bowers does not specifically disclose local authentication of an entry intelligent agent prompted by threshold manager includes requesting a digital signature. Scheidt's patent discloses RFID where digital signature is used for authentication in (col.12,lines 23-27;col.13,lines 22-37). It would have been obvious to person of ordinary skill in the art at the time invention was made to employ digital signature scheme as taught in Scheidt with RFID tag disclosed in Bowers in order to convince the recipient that the signer deliberately signed the data thus delivering authentic signature. Digital signature provides effective means to ensure data has not been altered by unauthorized or unknown means. Further, digital signature provides user non-repudiation.

3. Claims 9,19 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Bowers et al.(US 6,025,780) in view of Scheidt et al(US 6,490,680) and further in view of Nerlikar(US 5,629,981).

Claim 9: Neither Bowers or Scheidt specifically discloses time-based criterion involves whether entry intelligent agent has requested access to two different locations. Nerlikar's patent discloses RFID with time based access control method where RFID allows communication to multiple host or facility segments in (col.6,lines 9-20,26-28,34-42). It would have been obvious to person of ordinary skill in the art at the time invention was made to access more than one location based on time-criterion as taught in Nerlikar with RFID access control system disclosed in Bowers and Scheidt so that user wish to access more than one location he/she does not have to go through repeated authentication steps which can be time consuming. Further, access to more than one location within time based criterion offers user more accessibility and convenient method to achieve desire goals. It would have been obvious to person of ordinary skill in the art to recognize that period of time access to locations must be less than predetermined threshold time value. One of ordinary skill in the art would have been motivated to have two different locations within a period of time less than a predetermined threshold time value in order to deter user from abusing time limit to intended location such that user is authorized to access the location(s) permitted time frame and not greater than determined time value.

Claim 19: Neither Bowers or Scheidt specifically discloses time-based criterion involves whether entry intelligent agent has requested access to two different locations. Nerlikar's patent discloses RFID with time based access control method where RFID allows communication to multiple host or facility segments in (col.6,lines 9-20,26-28,34-42). It would have been obvious to person of ordinary skill in the art at the time invention was made to access more than one location based on time-criterion as taught in Nerlikar with RFID access control system disclosed in Bowers and Scheidt so that user wish to access more than one location he/she does not have to go through repeated authentication steps which can be time consuming. Further, access to more than one location within time based criterion offers user more accessibility and convenient

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method to achieve desire goals. It would have been obvious to person of ordinary skill in the art to recognize that period of time access to locations must be less than predetermined threshold time value. One of ordinary skill in the art would have been motivated to have two different locations within a period of time less than a predetermined threshold time value in order to deter user from abusing time limit to intended location such that user is authorized to access the location(s) permitted time frame and not greater than determined time value.

Response to Applicant's Arguments

4. Applicant has argued that the rejections of the claims appears to be based in significant part upon a misunderstanding of the term "intelligent agent" as that term is used in the claims of the present application. A review of Bowers et al., shows that Bowers is directed to RFID tags, not "intelligent agents" as this term is used in the present application. Applicant further argues that "intelligent agent" in accordance with the present invention is not a physical item, but is a "special program packet that can move in a network from one computer to another."

(Specification, page 1, lines 6-7) As such, an "intelligent agent" is not a physical item but exists virtually and is "capable of performing intelligent tasks inside computers". (Specification, page 2, lines 1-2). Thus, the present invention is not directed to determining the location of a physical item, but rather to determining the location of a virtual "special program packet".

In response: The Examiner respectfully disagrees. Claims 1-4, 7, 10-14, 17, 20-21 are directed to a system for authenticating an intelligent agent which intelligent agent is used to gain an access to the location. Applicant does not claim where intelligent agent is a program packet that can move in a network from one computer to another. The claimed intelligent agent is a broad term, which is fully met by Bowers et al. (US 6,025,780). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. *In re Van Guens*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). RFID tag disclosed in Bowers comprises

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and performs exactly same function as claimed intelligent agent. For example, RFID tags in Bowers is an intelligent tag programmed with unique tag information in which tag information is compared with lists of id tags in a database to determine whether RFID tag is permitted to enter a specific location (col.2,lines 54-67,col.3,lines 33-41; col.4,lines 59-67;col.15,lines 55-58). Further, Bowers' patent discloses an identifier, which ascertains the location and identity of an entry intelligent attempting to gain access to the location in (col.4,lines 59-66;col.6,lines 29-34;col.15,lines 56-63). Bowers disclose the identity being ascertained via an identification tag associated with the intelligent agent in (col.2,lines 45-53). Bowers disclose a general register of identification tags corresponding to a plurality of intelligent agents and of possible locations at which the registered intelligent agents may gain access in (col.6,lines 29-41;col.15,lines 55-58;col.16,lines 1-6 and fig.4). Bowers patent disclose a threshold manager which permit access, to a given location, of an entry intelligent agent that corresponds to at least one intelligent agent in general register in (col.15,lines 55-67 and col.16,lines 1-6). All the limitations in claims 1-4,7,10-14,17-21 are fully met by Bowers. Therefore, it is reasonable to interpret the RFID tags as the claimed "intelligent agent".

Applicant has argued that for 103(a) rejection requires that the combined cited references provide both the motivation to combine the references and an expectation of success. Not only is there no motivation to combine the references and no expectation of success, actually combining Bowers et al., Scheidt et al., and/or Nerlikar would not produce the claimed invention. In response: The Examiner disagrees. Sufficient motivation was provided in combining Bowers,Scheidt and Nerlikar in pages 5-8 of previous office action(paper#9)..

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosuk Song whose telephone number is 571-272-3857. The examiner can normally be reached on Tue-Fri from 5:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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